

**HOUSE BILL NO. 152**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES EASTMAN, Kurka**

**Introduced: 3/26/21**

**Referred: Community and Regional Affairs, State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to extreme risk protective orders; establishing the crime of**  
2 **enforcement of an extreme risk protective order; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 SHORT TITLE. This Act may be known as the Anti Red Flag Act.

7 \* **Sec. 2.** AS 18.66 is amended by adding a new section to read:

8 **Sec. 18.66.145. State preemption of extreme risk protective orders.** (a) The  
9 legislature hereby occupies and preempts the entire field of legislation in the state  
10 relating to federal or state extreme risk protective orders against a resident of the state  
11 to the complete exclusion of an order, ordinance, or regulation by a municipality or  
12 other political subdivision of the state.

13 (b) A federal statute, rule, or executive order or federal or state judicial order  
14 that has the effect of forcing an extreme risk protective order or ex parte extreme risk

1 protective order against a resident of the state, which would infringe the resident's  
2 constitutional rights, including the right to keep and bear arms and the right of  
3 freedom of speech, is unenforceable and of no effect in the state.

4 (c) A state agency or political subdivision of the state may not accept federal  
5 grant funding to implement a federal statute, rule, or executive order or federal or state  
6 judicial order that has the effect of enforcing an extreme risk protective order against a  
7 resident of the state.

8 (d) An individual, including a peace officer, who attempts to enforce a federal-  
9 or state-implemented extreme risk protective order against a resident of the state is  
10 guilty of a felony.

11 (e) This section applies to home rule municipalities.

12 (f) This section is not subject to judicial review.

13 (g) In this section, "extreme risk protective order" means an executive order,  
14 written order, or warrant issued by a federal or state court or signed by a magistrate or  
15 comparable officer of the court for which the primary purpose is to reduce the risk of  
16 firearm-related death or injury by

17 (1) prohibiting an individual from owning, possessing, purchasing, or  
18 receiving a firearm or having a firearm in the individual's custody or control; or

19 (2) removing a firearm from an individual or requiring the individual  
20 to surrender a firearm.

21 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 APPLICABILITY. AS 18.66.145(d), enacted by sec. 2 of this Act, applies to extreme  
24 risk protective orders filed before, on, or after the effective date of this Act.

25 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).